THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 25029 of 1998

Dated: 22.08.2007

Between:

Shaik Mahaboob Basha.

..... PETITIONER

AND

The Divisional Manager,
APSRTC, Ongole,
Prakasam District.

.....RESPONDENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 25029 of 1998

Order:

The petitioner claims to have worked as Conductor on a private bus bearing No. AAE 7956, which plied on the route Ongole to Mudduluru. Consequent on nationalization of the said route, the petitioner claims that the respondent-APSRTC absorbed, two drivers and four conductors working on the bus, into service. The petitioner further states that he made several representations seeking absorption/appointment as Conductor under displaced employees quota and also filed nearly three writ petitions, but the respondent-APSRTC, in spite of specific directions given by this Court to consider his case for absorption, neither considered his case nor appointed him. Hence, he filed the present writ petition.

On behalf of the respondent, the Law Officer, filed a detailed counter affidavit. It is stated in the counter affidavit that subsequent to nationalization of the route Ongole to Madduluru, the petitioner and ten other displaced employees working on the vehicle No. AAE 7956 were interviewed for absorption into the services of the respondent-Corporation, and the Departmental Selection Committee initially selected two drivers and three conductors, who were found to be genuine and seniors among the other displaced workers, and since the petitioner was found to be junior-most among the displaced employees on the subject vehicle, he was not selected by the Selection Committee. It is further stated that subsequently one more displaced

employee, namely Sd. Amanulla was appointed as Conductor in view of the orders passed by this Court in W.P. No. 4012 of 1987. It is further stated that since two drivers and four conductors were already absorbed against the displaced vehicle and as there is no provision to appoint 5th Conductor, the case of the petitioner was rejected.

Heard Sri K. Mahadeva, learned counsel for the petitioner and the learned Standing Counsel for the respondent-APSRTC.

According to the petitioner he is the senior-most conductor on the displaced vehicle, but the respondent-APSRTC, without properly considering his claim, have rejected his case for absorption and accommodated some other persons. In fact, this Court, in earlier writ petition filed by the petitioner in W.P. No.21120 of 1995, directed the respondent-Corporation to consider the case of the petitioner for appointment to the post of Conductor, and based on the said directions, the Regional Manager passed a speaking order on 16.12.1997. A perusal of the said speaking order clearly indicates that the Selection Committee, after conducting interviews and considering the cases of eleven displaced workers including the petitioner, selected two drivers and three conductors, and subsequently, one more conductor, namely Sd. Amanullah was appointed as Conductor as per the directions of this Court in W.P. No. 4012 of 1987. Thus, in all, two drivers and four conductors were appointed in a single bus. It further shows that since the petitioner is the junior-most to the displaced workers, who were already selected, and the vacancies earmarked on vehicle
No. AAE 7956 were already exhausted, the case of the petitioner was rejected.

Now the petitioner sought to consider his case for appointment as 5th conductor, which cannot be granted for the reason that the selection process has taken place as far back as in the year 1986 and

the scheme was abandoned about

15 years back, and that the Selection Committee, after taking into consideration the available records and performance of the displaced workers, selected two drivers and three conductors, and subsequently one more conductor by virtue of the orders of this Court in W.P. No.4012 of 1987, and more so when there are no vacancies available under the displaced employees quota and all the vacancies earmarked on vehicle No. AAE 7956 are already exhausted. That apart, now the age of the petitioner is around 50 years. In the circumstances, at this belated stage, this Court cannot grant the relief sought for by the petitioner and direct the respondents to consider the case of the petitioner for absorption/appointment once again.

The writ petition is devoid of merit and the same is accordingly dismissed. No costs.

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N.V. RAMANA, J.

Date: 22.08.2007
Nsr